

Docket No. 1759.068

**REMARKS**

Without acquiescing to the propriety of the rejections in the Office Action dated April 2004, claims 1 and 2 have been amended, and new claim 32 has been added. Entry of these amendments, reconsideration of the application, and allowance of all claims pending herein is respectfully requested in view of the remarks below. Claims 1-3, 5-14, 21-32 are now pending.

Applicant gratefully acknowledges the allowance of claims 25-31, and the conditional allowance of claims 5, 6, 8, 9, 11, 13, 23 and 24 upon them being rewritten into independent form to include all of the limitations of the base claim and any intervening claims.

**§ 103 Rejections:**

Claims 1-3, 7, 10, 14 and 21-22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Marks (U.S. Patent No. 4,758,192). Claim 1 has been amended to incorporate allowable claim 23. Thus, claim 1 is believed to be allowable along with the dependent claims which are believed to be allowable for the same reasons and for their own additional features.

Amended claim 1 recites, *inter alia*, an interface plate configured to be secured to an upper face of the ski and to receive a toe piece and a heel piece of a safety binding. The interface plate includes a slideway configured to engage a projecting part of a lower part of a toe piece and a second projecting part of a lower part of a heel piece. Also included is a second recess having means for adjusting at least one of the toe piece and the heel piece from a first position to a second position to adjust the binding to a length of a boot. The means for adjusting includes means for incrementally adjusting the toe piece and/or the heel piece.

Marks discloses a water ski which has a binding attachable to an upper surface thereof. The binding includes a baseplate having a pair of tracks thereon which are configured to receive a foot receiving member. The Office Action alleges that the features of claim 1 are disclosed by Marks except for a slideway for receiving a heel portion which the Office Action alleges would be obvious in view of an alleged slideway for receiving a toe portion disclosed in Marks. However, there is no disclosure in Marks, or allegation of such disclosure in the Office Action, of a second recess which includes means for longitudinally adjusting a toe piece and/or a heel piece from a first position to a second position to adjust a binding to a length of a boot. Further, there is no disclosure, teaching or suggestion of the means for adjusting including means for incrementally adjusting the toe piece and/or the heel piece. Accordingly, because the features of claim 1 of the present application are not disclosed, taught, or suggested by Marks,

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claim 1 cannot be obvious over this reference. Thus, claim 1 is believed to be allowable along with the dependent claims which are believed to be allowable for the same reasons and for their own additional features.

Claim 12 stands rejected under 35 U.S.C. § 103(a) as being obvious over Marks in view of Bundschuh et al. (U.S. Patent No. 4,279,048). Claim 12 depends on claim 1 and is believed to be allowable for the same reasons as claim 1 described and for its own additional features.

Also, claim 32 has been added per the conditional allowance of claim 1 and the Examiners' Statement of Reasons for Allowance in the Office Action in which the Examiner states that the prior art does disclose a "selectively" adjustable binding interface plate configuration for accommodating boots of different sizes. This claim is believed to be allowable for the reasons described above for claim 1 and the Examiners' Statement of Reasons for Allowance, and no new matter has been added.

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**Docket No. 1759.068****CONCLUSION**

In view of the above amendment and remarks, applicants respectfully request allowance of all claims pending herein.

If a telephone conference would be of assistance in advancing prosecution of the subject application, the Examiner is invited to telephone the undersigned attorney at the telephone number provided.

*Respectfully submitted,*



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